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DEC 08 2008

Attorney Docket No. 2001P4227US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Tong et al.

Appln. No.: 09/924,620

Title System And Method For Rate
Adaptation In A Wireless
Communication System

Filing date: Aug. 7, 2001

Conf. No: 3155

Group: 2416

Examiner: Dmitry Levitan

**CERTIFICATE OF EXPRESS MAIL
MAILING OR FACSIMILE TRANSMISSION**

The undersigned hereby certifies that this correspondence is ☐ being deposited under Express Mail Label No. _____ on the date given below; or under 37 CFR 1.8 ☐ being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date given below, or ☒ being facsimile transmitted to the U.S. Patent and Trademark Office at the fax number and date given below:

Facsimile Number: 571-273-8300, No. of Pages: 6 totalDate of Deposit or Transmission: Dec. 8, 2008By: Rosa S. Kim

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (RCE) UNDER 37 C.F.R. §1.114

Sir:

Applicant hereby requests continued examination, in accordance with 37 C.F.R. §1.114, for the above-identified application.

TIME REQUEST IS BEING MADE

1. Prosecution on this application being closed (under either appeal, final action, notice of allowance, or other prosecution closing action), this request is being submitted prior to the earliest of:

- i. ☒ Abandonment of the application.
- ii. ☐ Payment of issue fee, or
- iii. ☐ Issue fee has been paid but a petition under 37 C.F.R. §1.313 has been granted.
- iii. ☐ Filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §1.313, or commencement of a civil action under 35 U.S.C. 145 or 146, unless the appeal or civil action is terminated.
- iv. ☐ A decision on appeal to the Board of Patent Appeals & Interferences (this RCE is to be treated as a request to withdraw the appeal and to reopen prosecution of the application) - A notice is being separately sent to the Board of Patent Appeals & Interferences that this RCE is being filed.

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SUBMISSIONS AND ENCLOSURES

2. Enclosed herewith is/are:
- i. ☒ A Petition for Extension of Time for one (1) months.
 - ii. ☐ Please do not enter the previously unentered Amendment. Instead please enter:
 - ☐ the enclosed Amendment in response to the Final Office Action mailed
 - ☐ the enclosed Preliminary Amendment.
 - ☐ correspondence re correction of inventorship if required.
 - iii. ☒ Please enter the previously unentered Amendment previously submitted 10/14/2008.
A copy ☐ is or ☒ is not provided herein.
 - iv. ☒ An Information Disclosure Statement (37 C.F.R. §1.98) with information list and 0 hard copy reference(s).
 - v. ☐ New arguments or new evidence in support of patentability.
 - vi. ☐ Other: _____

FEE FOR REQUEST REQUIRED BY 37 C.F.R. §1.17(e)

3. Filing fee has been calculated as shown below (other than small entity) after entering the previous amendment and/or currently submitted amendment as may be applicable:

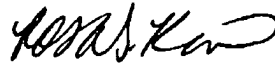
	Current Claims Pending Minus Highest No. Previously Paid For	No. Extra	Rate	Fees
Total Claims	14 -20	= 0	x \$52 =	\$0.00
Indep. Claims	5 - 6	= 0	x \$220 =	\$0.00
<input type="checkbox"/> Multiple Dependent Claims Present			+ \$390 =	\$0.00
Basic filing fee				\$810.00
Total				\$810.00

4. Please charge Deposit Account No. 19-2179 in the amount of \$810. The Commissioner is hereby authorized to charge any fees that may be required for filing this paper or during the pendency of this application, or credit any overpayment, to Deposit Account No. 19-2179 pursuant to 37 C.F.R. §1.25.

PLEASE MAIL CORRESPONDENCE TO:

Siemens Corporation
Customer No. 28524
Attn: Elsa Keller, Legal Administrator
170 Wood Avenue South
Iselin, NJ 08830

Respectfully submitted,



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Attorney(s) for Applicant(s)
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Date: Dec. 8, 2008